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Paper No. 5

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**OFFICE OF PETITIONS**

In re Application of :  
Elias G. Khamis :  
Application No. 09/885,376 : DECISION ON PETITION  
Filed: June 20, 2001 :  
Attorney Docket No. 68795-272202 :

This is a decision on the petition under 37 CFR 1.10(c) filed October 16, 2001, requesting that the above-identified application be accorded a filing date of June 20, 2001, rather than the presently accorded filing date of June 21, 2001.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited in "Express Mail" service with the U.S. Postal Service on June 20, 2001, pursuant to the requirements of 37 CFR 1.10. While the Express Mail label No. EL841307490US shows a "date-in" of June 30, 2001, it also includes a "Horton Plaza San Diego CA USPS" stamp dated June 20, 2001. It is noted that the same Express Mail label number appears on the copy of the original transmittal letter submitted with the present application.

A search of the USPS Track and Confirm record confirms that the package in question was enroute on June 20, 2001. Accordingly, the petition is granted. A copy of the corrected Filing Receipt is enclosed.

No petition fee is required and none has been charged.

The application is being returned to Technology Center AU 2683 for examination in due course.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.



Sherry Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Enclosure: Corrected Filing Receipt  
Express Mail Track/Confirm Sheet